

**REMARKS**

1. Applicant thanks the Examiner for the Examiner's comments, which have greatly assisted Applicant in responding.

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It should be appreciated that Applicant has elected to amended said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims were in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission

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15 2. **35 U.S.C. § 101.** The Examiner has rejected Claims 1-3, 8-10, 20-29, 46, 59-66, 68, 72, and 85-88 under 35 U.S.C. §101, because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea. The Examiner further stated that Applicant failed to describe which step or series of steps in a claim is/are performed by a computer.

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Claim 1

Applicant has amended Claim 1 to further clarify that Claim 1 is directed to statutory matter. Support can be found in the entire specification and, specifically, in the system overview section, the Figures, and on page 21, lines 1-3.

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The other Independent claims were amended in a similar fashion.

Therefore, Applicant is of the opinion that such amended claims and the respective dependent claims overcome the Examiner's rejection. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §101.

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3. **35 U.S.C. § 103(a).**

(a) The Examiner has rejected Claims 1-7, 66, and 68-70 under 35 U.S.C. §103(a) as being unpatentable over Deming (U.S. Patent No. 4,823,264) in view of Thomas *et al*

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(hereinafter Thomas, U.S. Patent No. 6,173,272) and Chang *et al* (hereinafter Chang, U.S. Patent No. 5,884,288).

Claim 1

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The Examiner stated that **Chang discloses** instructing the ACH member to effect an ACH debit from the sender's source account to a third party (payor bank) financial account and instructing the ACH member to effect an ACH credit from the third party (payee bank) financial account to the receiver's target account. Applicant respectfully disagrees, because the claimed third party is drawn by the Examiner to two separate and distinct entities (payor bank and payee bank), which, according to the claimed invention, is neither the sender financial institution (payor bank) nor the receiver financial institution (payee bank) of the claimed invention (see Fig. 1). Applicant respectfully appreciates the Examiner's comments as they assisted the Applicant in responding. Specifically, Applicant has amended Claim 1 to further clarify the invention. Amended Claim 1 appears as follows (emphasis added):

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1. A computer implemented method of electronically transferring funds from a sender to a receiver, comprising:
  - a host system, operating on a conventional computer system and communicatively coupled to a host financial institution that is an automated clearinghouse (ACH) member at which is maintained a host account, receiving from the sender an amount of a funds transfer, a designation of a source account for the funds transfer, and contact information of the receiver sufficient for contacting the receiver, without receiving from the sender a designation of a target account of the receiver;
  - the host system receiving from the receiver the designation of the target account for receiving the funds from the sender; and
  - the host system providing a first instruction to the host financial institution to cause the transfer of funds from the source account to the host account; and
  - the host system providing a second instruction to the host financial institution to cause the transfer of funds from the host account to the target account;
- wherein any of the first instruction and the second instruction effects through an ACH network a number of ACH entries to transfer funds;

wherein the sender is not required to have a previously established ACH originator relationship with an ACH member at which the sender's source account is maintained; and

wherein the receiver is not required to have a previously established ACH originator relationship with an ACH member at which the receiver's target account is maintained.

None of the prior art of record alone or in combination teach, suggest, or contemplate such financial transfer service mechanism of Claim 1 hereinabove. Therefore, Applicant is of the opinion that amended Claim 1 and the respective dependent claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

Claims 66 and 68-70

Independent Claim 66 has been amended in similar fashion to Claim 1. The rejection of Claims 66 and 68-70 is deemed moot in view of Applicant's remarks regarding Claim 1 hereinabove. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(b) The Examiner has rejected Claims 8-55, 57-65, 71-83, and 85-101 under 35 U.S.C. §103(a) as being unpatentable over Deming, Thomas and Chang, as applied to Claim 1 hereinabove, and further in view of Schrader *et al* (hereinafter Schrader, U.S. Patent No. 5,903,881).

Claims 8-55 and 57-65

The rejection of Claims 8-55 and 57-65 is deemed moot in view of Applicant's remarks regarding Claim 1 hereinabove. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

Claims 71-83, and 85-101

Independent Claims 71-73, 80, 81-83, 85, 87, 89-90, and 97-99 have been amended in similar fashion to Claim 1. The rejection of Claims 71-83, and 85-101 is deemed moot in

view of Applicant's remarks regarding Claim 1 hereinabove. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).


### CONCLUSION

5 Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

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Respectfully Submitted,

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